

REMARKS

Upon entry of these amendments, claims 23, 27-29, 32-39, and 44 will be pending in this application. Claims 23 and 27-29 have been amended herein to more precisely define the claimed invention. Support for this amendment is found at least at page 11, lines 11-12 of the instant specification. Claims 23 and 27-29 have also been amended to include the ATCC accession number (ATCC Accession No. PTA-994) for monoclonal antibody 5E12. New claim 44 has been added herein. Support for this new claim is found at least at page 13, lines 12-14 of the instant specification. No new matter has been added.

Applicants note with appreciation that the finality of the previous Office Action has been withdrawn and that the Examiner has withdrawn the rejection of claims 23, 27-29, and 32-39 under 35 U.S.C. § 102(e) as being anticipated by United States Patent 5,750,376 (“Weiss”).

Claim Rejections--35 U.S.C. § 112, first paragraph

Claims 23, 27-29 and 32-39 have been rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. According to the Examiner, “[n]o proper antecedent basis nor conception in context with that described within the specification is apparent for the recitation of a composition comprising a population of enriched NS-IC cells and ‘at least one monoclonal antibody . . .’. For example, page 13 of the specification appears to alternatively conceive of NS-IC cells with monoclonal antibodies that are ‘conjugated with labels to allow ease of separation’ . . .; thereby, currently constituting new matter for compositions comprising enriched neural cells and the monoclonal antibodies alone.” (Office Action at pages 2-3). Applicants traverse.

In an effort to facilitate the prosecution of this case, claims 23 and 27-29 have been amended herein to specify that the at least one monoclonal antibody is conjugated with a label. As acknowledged by the Examiner, this limitation is supported by the as-filed specification at page 13, lines 11-12. Accordingly, Applicants contend that this written description rejection, as it applies to claims 23 and 27-29, as amended herein, has been overcome and should be withdrawn.

Moreover, claims 32-29 (and new claim 44), each depend from one or more of claims 23 and 27-29. As such, they necessarily contain all of the limitations of the claims from which they depend. Therefore, for the reasons articulated above, Applicants submit that the rejection of

these claims for lack of written description has also been overcome. Therefore, these rejections should also be withdrawn.

Claims 23, 27-29, and 32-39 have also been rejected under 35 U.S.C. § 112, first paragraph, as being based on a disclosure, which is not enabling. According to the Examiner, “[t]he specification lacks any deposit information for the ‘novel’ monoclonal antibodies 5E12 or 8G1.” (Office Action at page 3).

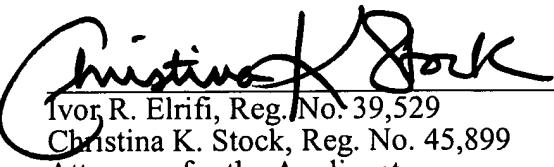
In response, Applicants submit herewith a Declaration of Biological Deposit, executed by the undersigned, which indicates that the deposit of the 5E12 and 8G1 cultures has been made under the terms of the Budapest Treaty and that, upon granting of a patent based on this application, all restrictions on the availability of the deposited material to the public will be irrevocably removed. In addition, as suggested by the Examiner, Applicants have amended page 8 of the instant specification accordingly. Moreover, Applicants have also amended independent claims 23 and 27-29 to incorporate the ATCC accession number for monoclonal antibody 5E12.

Thus, Applicants contend that this rejection for lack of enablement has been overcome and should be withdrawn.

CONCLUSION

Applicants submit that this paper is fully responsive and that the application is in condition for allowance. Such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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